

JUL 24 2001 #3

TECH CENTEB 4600/2900

ATTORNEY DOCKET NO. 50025/003002

Certificate of Mailing: Date of Deposit: July 16, 2001
I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Posta. Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant
Commissioner for Patents, Washington, D.C. 20231.
Susan M. Barry Printed name of person mailing correspondence Signature of person mailing correspondence
Printed name of person mailing correspondence Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Victor J. Dzau et al.

Art Unit:

1632

Serial No.:

09/839,752

Examiner:

Not Yet Assigned

Filed:

April 19, 2001

Customer No.:

21559

Title:

Therapeutic Use of Cis-Element Decoys In Vivo

Assistant Commissioner for Patents Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Applicants submit the references listed on the attached Form PTO-1449.

Submission of this Statement is not a representation that a search has been made, nor is the inclusion of information in this Statement an admission that the information is material to patentability.

Under 35 U.S.C. § 120, this application relies on the earlier filing date of application serial number 08/524,206, filed on September 8, 1995. The following references were submitted to and/or cited by the Office in the prior application and, therefore, are not provided in this application:

5,683,985

11/04/97

Chu et al.

5,631,237

05/20/97

Dzau et al.

WO 92/18522 29/10/92

PCT

Barinaga et al., "Gene Therapy for Clogged Arteries Passes Test in Pigs," Science 265:738 (1994).

Bielinska et al., "Regulation of Gene Expression with Double-Stranded Phosphorothioate Oligonucleotides," Science 250:997-999 (1990).

Chien, "Molecular Advances in Cardiovascular Biology," Science 260:916-917 (1993).

Dalton, "Cell Cycle Regulation of the Human *cdc*2 Gene," The EMBO Journal 11(5):1979-1804 (1992).

Ebbecke et al., European Heart Journal (Suppl.) 12:11 (1991).

Hiebert et al., "E1A-dependent Trans-activation of the Human Myc Promoter Is Mediated by the E2f Factor," Proc. Natl. Acad. Sci. U. S. A. 86:3594-3598 (1989).

Hug et al., "Liposomes for the Transformation of Eukaryotic Cells," Biochem. Biophys. Acta 1097:1-17 (1991).

Hutchinson et al., Circulation (Suppl. I) 86:I-226 (1992).

Kaneda et al., "Increased Expression of DNA Cointroduced with Nuclear Protein in Adult Rat Liver," Science 243:375-378 (1989).

Libby et al., "A Cascade Model for Restenosis. A Special Case of Atherosclerosis Progression," Circulation 86:III-47 - III-52 (1992).

Mannino et al., "Liposome Mediated Gene Transfer," BioTechniques 6:682-690 (1988).

Milligan et al., "Current Concepts in Antisense Drug Design," J. Med. Chem. 36:1923-37 (1993).

Morishita et al., "In Vivo Gene Transfer into Intact Blood Vessels: a Novel and Efficient Method," Circulation 86 (Suppl. I):1-227 (1992).

Mulligan et al., "The Basic Science of Gene Therapy," Science 260:926-932 (1993).

Nevins, "E2F: A Link Between the Rb Tumor Supressor Protein and Viral Oncoproteins," Science 258:424-429 (1992).

Ostrowski et al., "Glucocorticoid Regulation of Transcription at an Amplified, Episomal Promoter," Mol. Cell. Biol. 3:2045-2057 (1983).

Pagano et al., "Association of cdk2 Kinase with the Transcription Factor E2F During S Phase," Science 255:1144-1147 (1992).

Ritzenthaler et al., "Regulation of the $\alpha 1(I)$ Collagen Promoter via a Transforming Growth Factor- β Activation Element," J. Biol. Chem. 268:13625-13631 (1993).

Ritzenthaler et al., "Transforming-growth-factor-β Activation Elements in the Distal Promoter Regions of the Rat α1 Type I Collagen Gene," Biochem. J. 280:157-162 (1991).

Rubin et al.; "Atherosclerosis in Mice: Getting to the Heart of a Polygenic Disorder," Trends in Genetics 10:199-204 (1994).

Schwartz etial., "Coronary Restenosis: Prospects for Solution and New Perspectives from a Porcine Model," Mayo Clinic Proceedings 68:54-62 (1993).

Stein et al., "Antisense Oligonucleotides as Therapeutic Agents--is the Bullet Really Magical?" Science 261:1004-12 (1993).

Sullenger et al., "Overexpression of TAR Sequences Renders Cells Resistant to Human Immunodeficiency Virus Replication," Cell 63:601-608 (1990).

Tomita et al., "Direct *In Vivo* Gene Introduction into Rat Kidney," Biochem. Biophys. Res. Comm., 186:129-134 (1992).

Tseng et al., "Antisense Oligonucleotide Technology in the Development of Cancer Therapeutics," Cancer Gene Ther. 1:65-71 (1994).

Uhlmann et al., Chemical Reviews 90:543-584 (1990).

Weintraub et al., "Retinoblastoma Protein Switches the E2F Site from Positive to Negative Element," Nature 358:259-261 (1992).

Wu et al., "Inhibition of in Vitro Transcription by Specific Double-stranded Oligodeoxyribonucleotides," Gene 89:203-209 (1990).

Yee et al., "Promoter Interaction of the E1A-inducible Factor E2F and its Potential Role in the Formation of a Multi-component Complex," The EMBO Journal 6:2061-2068 (1987).

If there are any charges or any credits, please apply them to Deposit Account No.

03-2095.

Respectfully submitted,

Date: July 16, 2001

r. Metreud Susan M. Michaud, Ph.D.

Reg. No. 42,885

Clark & Elbing LLP 176 Federal Street Boston, MA 02110

Telephone: 617-428-0200 Facsimile: 617-428-7045

50025.003002 Information Disclosure Statement.wpd

PATENT TRADEMARK OFFICE